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REMARKS

1. Summary

Claims 1-20 are currently pending in the application. Claims 1, 9, and 13 are independent claims. No claims have been amended, canceled, or added. Reconsideration of the claims is respectfully requested.

2. Claim Rejections 35 U.S.C. § 103

The Final Office Action mailed September 9, 2003, maintains rejection of claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable in light of U.S. Patent No. 6,078,739, to Paterson et al. (hereinafter "Paterson") in view of U.S. Patent No. 6,476,821 to Sawada et al. (hereinafter "Sawada"). This rejection is respectfully traversed for at least the reasons set forth in the Response filed June 24, 2003.

Applicants assert that the Final Office Action fails to establish a prima facie case of obviousness under § 103 as set forth in § 103 and the MPEP. MPEP 2142 states that:

> "To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure."

Applicants assert that the Final Office Action fails to show that the prior art references teach or suggest **all** of Applicants' claim limitations. In particular, Applicants assert that the Final Office Action fails to view Applicants' invention as a "whole." MPEP 2141 states that *"When applying 35 U.S.C. 103, the following tenets of patent law must be adhered to: (A) The claimed invention must be considered as a whole..."* Applicants assert that the Final Office Action misconstrues and interchanges Paterson's terminology to reject particular elements of Applicants' claims without applying Paterson's terminology to Applicants' claims as a whole. MPEP 2143.03 states:

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> *"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art...All words in a claim must be considered in judging the patentability of that claim against the prior art"* (emphasis added)

Applicants assert that the Final Office Action fails to consider _all words_ in Applicants' claims as a whole during their patentability judgment which are described in greater detail below.

Applicants also assert that the rejection uses impermissible hindsight in concluding that Applicants' claims are obvious. As stated in MPEP § 2145:

> *"Applicants may argue that the examiner's conclusion of obviousness is based on improper hindsight reasoning. However, "[a]ny judgment on obviousness is in a sense necessarily a reconstruction based on hindsight knowledge which was within the level of ordinary skill in the art at the time the claimed invention was made and does not include knowledge gleaned only from applicant's disclosure, such a reconstruction is proper." In re McLaughlin, 443 F.2d 1392, 1395, 170 USPQ 209, 212 (CCPA 1971)."*

Applicants assert that the rejection relies on knowledge gleaned only from Applicants' disclosure in contravention of MPEP § 2145. The Office Action and Final Office Action misuse Applicants' terms, as explained in further detail below. This misuse of Applicants' terms clearly shows that Applicants' claimed invention was rejected based upon the use of impermissible hindsight.

The limitations set forth in Applicants' claim 1 include:

> selecting one or more objects to be displayed in a plurality of layers;
>
> identifying a plurality of display attributes, wherein one or more of the display attributes corresponds to each of the layers;
>
> matching each of the objects to one of the layers;
>
> applying the display attributes corresponding to the layer for each of the matched objects; and
>
> displaying the objects with the applied display attributes.

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Applicants first element of claim 1 includes a limitation of *"selecting one or more objects to be displayed in a plurality of layers."* In contrast, Applicants assert that Paterson teaches the display of **parameters** that correspond to a object. In contrast, Applicants teach and claim the selection of one or more objects that are displayed in a plurality of layers. Paterson selects parameters for use in "what if" simulation analysis **and defines parameters and objects differently from one another** by stating that parameters are related to objects such that *"each object defined ... may have at least one parameter associated therewith which quantifies certain characteristics of the object"* (col. 5: lines 16-19). Furthermore, Paterson's parameters are not the same as Applicants' objects in that Paterson's parameters quantify computer simulation characteristics whereby a user provides parameter values. A parameter value *"includes three values for the relevant parameter, namely a working value, a baseline value, and a comparison value"* (col 5, lines 54-56). In Paterson, the parameter values are being selected (e.g., the working value, baseline value, comparison value), and Paterson never teaches or suggests selecting the underlying objects. In contrast, Applicants' objects represent *"various components... that comprise [a] business system"* (page 1, lines 14-15), such as hardware and software components.

The Final Office Action, however, uses Paterson's terms **"parameters"** and **"objects"** interchangeably and misconstrues their meaning in order to reject the first limitation of Applicants' claim 1. The Final Office Action states that *"Applicant[s] claim language does not specify the use of display data. The Paterson display data are objects **and** parameter values associated with the objects"* (page 2, lines 9-10, emphasis added). As discussed above, Paterson uses the terms "parameters" and "objects" differently, and, therefore, the Final Office Action misapplies the references by interchanging and misconstruing their definitions in order to reject the first limitation of Applicants' claim 1.

Paterson teaches the display of objects, but Paterson does not teach that objects are *"to be displayed in a plurality of layers"* as claimed by Applicants. Therefore, Applicants assert that the Office Action and Final Office Action use impermissible

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hindsight to reject Applicants claim 1 and these rejections do not fully consider all words in Applicants' claim 1 as required by MPEP sections 2141 and 2143.03.

Sawada teaches the modification of display attributes of a specific display area, such as a window, and does not teach *"selecting one or more objects to be displayed in a plurality of layers."* In addition, neither the Office Action nor the Final Office Action reference Sawada to reject Applicants' first limitation of claim 1. Therefore, Applicants assert that neither Paterson nor Sawada, teach nor suggest, alone or in combination *"selecting one or more objects to be displayed in a plurality of layers"* as claimed by Applicants.

Applicants second element of claim 1 includes the limitation of *"identifying a plurality of display attributes, wherein one or more of the display attributes corresponds to each of the layers."* Applicants' display attributes include attributes such as *"color hue, color value, color saturation, size, three dimensional image, two dimensional image, animation, shading, fill pattern, line pattern, line weight, opaqueness, transparency, proximity, shape, and object anomaly"* (claim 6, lines 3-7).

In contrast, Applicants assert that Paterson teaches the identification of **parameters** to correspond to layers. As discussed above, Paterson's parameters quantify certain simulation characteristics whereby a user inputs values into a parameter setting section that *"includes three values for the relevant parameter, namely a working value, a baseline value, and a comparison value"* (col 5, lines 54-56). The Office Action agrees with Applicants' assertion in stating that Paterson *"illustrates in Fig. 18, in at step 360, and in response to the user identification of parameters at step 358"* (page 2, lines 17-18). Neither the Final Office Action nor the Office Action discuss Paterson nor Sawada *"identifying display attributes."*

Sawada teaches the modification of display attributes of a specific display area, such as a window, and does not teach *"identifying a plurality of display attributes, wherein one or more of the display attributes corresponds to each of the layers"* In addition, neither the Office Action nor the Final Office Action reference Sawada to reject Applicants' second limitation of claim 1.

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The Final Office Action suggests that Applicants "fail to provide further limitation of the "identifying" element and an "object" in claim 1 (page 2, lines 4-5). Applicants asserted in the Response filed June 24, 2003, and continue to assert, that Paterson in view of Sawada do not teach or suggest, in whole or in part, *"identifying a plurality of display attributes, wherein one or more of the display attributes corresponds to each of the layers"* and, therefore, additional limitation of the term "identifying" and "object" in claim 1 is not required.

Applicants third element of claim 1 adds a limitation of *"matching each of the objects to one of the layers."* In constrast, Applicants assert that Paterson teaches matching a layer with a respective layer panel (col. 16, lines 35-36). Paterson defines a layer panel as something that *"allows a modeler to construct the respective layer and to then view the values attributed to the various parameters which are included in the associated layer"* (col. 16, lines 36-39). Applicants' objects, on the other hand, represent *"various components... that comprise [a] business system"* (page 1, lines 14-15), such as hardware and software components. Paterson's layer panels are therefore quite different than Applicants' objects and cannot be properly used as a comparison to Applicants' objects for a basis of an obviousness rejection.

The Final Office Action suggests that *"Paterson in (col. 16, lines 35-45) teach the claim language of Applicants' claim of "match[ing] each of the objects to ...the layers."* However, the Final Office Action's reference actually validates Applicants' assertion by stating:

> *"Each of the __layers__ 304-308 __has a respective layer panel__ 310-314 associated therewith, which allows a modeler to construct the respective layer and to then view the values attributed to the various parameters which are included in the associated layer. Each of the layer panels 310-314 is similar in appearance and layout to the access panels shown in FIG. 13, but the purpose and functioning of the layer panels are fundamentally different from that of the access panels. Turning now to FIG. 16, exemplary layer panels 310 and 312 are illustrated. Each of the panels 310 and 312 includes..."* (col. 16, lines 35-45)

As can be seen in the above quotation, Paterson teaches **associating a layer with a respective layer panel**, and does **not teach or suggest matching an object to a layer** as taught and claimed by Applicants. Applicants assert the Final Office Action misconstrues the meaning of Paterson's term "**layers**" and "**layer panels**" in order to reject the third limitation of Applicants' claim 1.

Sawada does not teach or suggest "*matching each of the objects to one of the layers*" nor does the Final Office Action reference Sawada to reject Applicants' third limitation of claim 1. Therefore, Applicants assert that neither Paterson nor Sawada teach or suggest, alone or in combination, "*matching each of the objects to one of the layers*" as claimed by Applicants.

Applicants forth element of claim 1 adds a limitation of "*applying the display attributes corresponding to the layer for each of the matched objects.*" Comparing Applicants' forth limitation of claim 1 to Paterson and Sawada, Applicants assert that Paterson does not teach or suggest "applying ... display attributes corresponding to the layer for each of the matched objects" because Paterson's invention is based upon performing computer simulation using parameters and does not teach or suggest a "visual enhancement" of those parameters. Specifically, Paterson teaches "*methods of representing, accessing, inputting, and monitoring **parameters** of objects within a **simulation model**"* (col. 1, lines 25-27). In addition, the Office Action states that "*Peterson does not specify the display attribute*" (page 4, line 15). The Office Action argues that Sawada "*teaches ... displaying data with display attribute varying from area to area on the display screen of the image displaying apparatus*" (page 4, lines 15-17). Sawada teaches the modification of display attributes of a specific display area, such as a window. However, Applicants assert that neither Sawada nor Paterson teach or suggest, alone or in combination, "***applying*** ... *display attributes **corresponding to the layer** for each of the matched objects*" as claimed by Applicants.

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MPEP 2143.01 states:

> *"If the proposed modification or combination of the prior*
> *art would change the principle of operation of the prior art*
> *invention being modified, then the teachings of the*
> *references are not sufficient to render the claims prima*
> *facie obvious."*

The fifth element of Applicants' claim 1 adds the limitation of *"displaying the objects with the applied display attributes."* In stark contrast, Paterson displays parameters for a user to view when performing a computer simulation. Sawada teaches the modification of display attributes for a specific display area, such as a window. The Final Office Action combines the Paterson and Sawada reference in order to reject the fifth limitation of claim 1 by concluding that *"modifying or inserting between items 192 and 194 in Fig. 10 of Paterson, item 1402 from Fig. 28, of Sawada, the image display system is capable of displaying data with display attributes"* (page 3, lines 2-9).

Modification of the references in the manner described in the Final Office Action would change the principle of operation of the prior art. Sawada describes item 1402 from Fig. 28 as follows: *"... the operating system 210 makes <u>the inquiry into the ability</u> of the image displaying apparatus 110 to modify the display attribute through the USB driver..."* (col. 27: 42-44). In other words, item 1402 inquires whether a display device is capable of modifying a display attribute, and does **NOT** teach that a display attribute is actually modified.

To continue with the analysis of the Final Office Action's suggested combination, Paterson describes items 192 and 194 by stating that *"a user may then further <u>define the relationship condition between the objects</u> in terms of parameter values"* (col. 10: 27-29) and, *"the GUI <u>displays the selected link</u> representation to show the relationship condition that exists between the objects..."* (col. 10: 39-41). In other words, Paterson's items 192 and 194 correspond to a **link** between objects, and do not

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correspond to an object. Paterson identifies links such that *"each …link represents a different relationship condition [between objects]"* (col. 7: 2-4). Paterson's links are different than Applicants' objects because Applicants' objects represent *"various components… that comprise [a] business system"* (page 1, lines 14-15), such as hardware and software components. Therefore, Paterson's links should not be used as a comparison to Applicants' objects for a basis of a rejection. Applicants assert the Final Office Action misconstrues the meaning of Paterson's term "**links**" in order to reject the fifth limitation of Applicants' claim 1. Furthermore, Applicants assert that the combination used in the Final Office Action in combining Paterson with Sawada changes the principle of operation of the cited references.

In conclusion, the Final Office Action's combination of Paterson and Sawada, results in 1) defining a relationship condition between objects, 2) inquiring into the ability to modify a display attribute, and 3) displaying a link representation to show the relationship condition that exists between the objects. It is unclear why the system that is disclosed in Paterson would use the particular feature combined from Sawada. The Final Office Action provides a reasoning that *"the result of modification provides the performance of a computer handling not only static images, but also dynamic images"*. However, as is described above, the combination of the Paterson reference with the Sawada reference modifies display attributes of "links" which is not the primary purpose of the Paterson invention. Furthermore, as discussed in detail above, Paterson's **links** are different that Applicants' **objects** and should not be used as a basis for rejection. Therefore the Final Office Action's suggestion **does not show** that combining Paterson with Sawada would teach or suggest, in whole or in part, *"displaying the objects with the applied display attributes"* as claimed by Applicants.

In addition, since Paterson's invention is primarily concerned with parameters of objects and not the link between the objects, there is no motivation to visually enhance Paterson's links as suggested by the Final Office Action. Thus, the motivation to combine the teaching of Sawada with Paterson is not sufficient to establish a prima facie

showing of obviousness because the proposed modification or combination of Sawada with Paterson would change the principle of operation of Paterson (MPEP 2143.01).

Notwithstanding the arguments discussed above, the Office Action and the Final Office Action use multiple terms from Paterson to reject particular limitations of Applicants' claim 1 in which Applicant uses a single term, an "object." Applicants assert that the Final Office Action fails to consider *all words* in Applicants' claims as a whole during their patentability judgment (MPEP 2143.03). The multiple terms that the Office Action and the Final Office Action use to correspond to Applicants' "object" are parameters, links, and layer panels.

As for using Paterson's **parameters** as a basis for rejection, the Final Office Action suggests that Paterson's parameters are selected, but does not suggest 1) that the parameters are matched to layers and that 2) the parameters are displayed with display attributes. Since these steps are elements of Applicants' claim 1, Paterson's "parameters" cannot be used as a sufficient basis to reject Applicants' claim 1 as a whole.

As for using Paterson's **links** as a basis for rejection, the Final Office Action suggests that Paterson's links are displayed, but does not suggest 1) that the links are selected and 2) that the links are matched to layers. Since these elements are limitations of Applicants' claim 1, Paterson's "links" cannot be used as a sufficient basis to reject Applicants' claim 1 as a whole.

As for using Paterson's **layer panels** as a basis for rejection, the Final Office Action suggests that Paterson's layer panels are matched to a layer, but does not suggest 1) that the layer panels are selected and 2) that the layer panels are displayed. Since these elements are limitations of Applicants' claim 1, Paterson's "layer panels" cannot be used as a sufficient basis to reject Applicants' claim 1 as a whole.

Therefore, for at least the aforesaid reasons, neither the Paterson reference nor the Sawada reference teach or suggest, alone or in combination, all the limitations of claim 1. Therefore, the rejection of claim 1 has been traversed and claim 1 is allowable under 35 U.S.C. § 103 in light of Paterson in view of Sawada.

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Claim 9 is an information handling system claim including the same limitations as set forth in claim 1, so rejections to claim 9 is traversed for at least the same reasons set forth above for claim 1. Claim 13 is a computer program product claim including the same limitations as set forth in claim 1, so the rejection to claim 13 is traversed for the same reasons as claim 1.

Notwithstanding that fact, that claim 2 is dependent upon amended claim 1 and is therefore allowable for at least the same reasons as claim 1, claim 2 is also allowable as this claim is not obvious in light of Paterson in view of Sawada. Claim 2 further limits claim 1 by claiming the additional limitations of:

> receiving a request from a user to rearrange the layers;
>
> rearranging the layers in response to the request, the rearranging including:
>
> re-matching one or more objects to a different layer from the plurality of layers;
>
> applying the display attributes corresponding to the different layer to the one or more re-matched objects; and
>
> displaying the one or more re-matched objects.

Applicants third and forth elements of claim 2 adds a limitation to claim 1 of *"re-matching one or more objects to a different layer from the plurality of layers"* and *"applying the display attributes corresponding to the different layer to the one or more re-matched objects."* In contrast, Paterson does not teach or suggest *"re-matching an object to a layer and applying display attributes that correspond to the layer to the object."* Instead, Paterson allows a user to view multiple **windows** whereby the windows *"contain information regarding user-selected parameters of objects..."* (col. 13, lines 66-67).

The Office Action states that Paterson performs the same function as Applicants' claim using windows instead of objects. However, Paterson's definition of windows as described above are different than Applicants' objects. Applicants objects represent *"various components... that comprise [a] business system"* (page 1, lines 14-15), such

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as hardware and software components. Therefore, Paterson's windows should not be used as a comparison to Applicants' objects for a basis of a rejection.

In addition, the Office Action states that Paterson *"display[s] a modifier representation which represents the influence of an object on a relationship condition between a pair of objects"* (page 4, lines 2-3) and suggest that this reference is a basis for rejecting Applicants' claim 2. After further review, Paterson's "modifier representation" is an identifier such as a "+...-...=" (col. 12, lines 27-36) which corresponds to the relationship between two objects. Paterson's modifier representations are different than Applicants' objects whose definition is described above. Applicants assert that this reference has no bearing on Applicants claim 2 because Applicants are claiming the re-matching and application of display attributes to "objects," whereas Paterson is displaying modifier representations.

Sawada does not teach or suggest *"re-matching one or more objects to a different layer from the plurality of layers"* and *"applying the display attributes corresponding to the different layer to the one or more re-matched objects"* nor does the Office Action nor the Final Office Action reference Sawada to reject Applicants' claim 2. Therefore, Applicants assert that neither Paterson nor Sawada teach or suggest, alone or in combination, all the limitations of claim 2. Therefore, Applicants assert that the rejection of claim 2 has been traversed and claim 2 is allowable under 35 U.S.C. § 103 in light of Paterson in view of Sawada.

Claim 10 is an information handling system claim including the same limitations as set forth in claim 2, so rejections to claim 10 is traversed for at least the same reasons set forth above for claim 2. Claim 14 is a computer program product claim including the same limitations as set forth in claim 2, so the rejection to claim 14 is traversed for the same reasons as claim 2.

Notwithstanding that fact, that claim 3 is dependent upon amended claim 1 and is therefore allowable for at least the same reasons as claim 1, claim 3 is also allowable as this claim is not obvious in light of Paterson in view of Sawada. Claim 3 further limits claim 1 by claiming the additional limitations of:

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reading the objects from a data store; and

reading one or more object attributes corresponding to each
object from the data store,

wherein the matching further comprises:

matching the object attributes corresponding to each object to
one or more layer attributes corresponding to each layer.

Applicants' forth element of claim 3 adds a limitation to the matching limitation of claim 1 by performing the matching using *"object attributes corresponding to each object."* Applicants define object attributes such that *"object size and three dimensional display [are] used to distinguish between the objects"* (page 11, lines 28-30). In contrast, as described above in Applicants' argument regarding the third limitation of Applicants' claim 1, Paterson does not match an object to a layer but rather associates a layer with a respective layer panel. Therefore, since Paterson does not teach or suggest matching an object to a layer, Applicants assert that Paterson does not *"match the object attributes corresponding to each object to one or more layer attributes corresponding to each layer"* as claimed by Applicants.

As stated above, Sawada does not teach or suggest, *"matching each of the objects to one of the layers"* nor does the Final Office Action reference Sawada to reject Applicants' claim 3. In addition, neither the Office Action nor the Final Office Action provide additional basis for rejecting claim 3 other than what they have provided for claim 1. Therefore, Applicants assert that neither Paterson nor Sawada, alone or in combination, teach nor suggest *"matching the object attributes corresponding to each object to one or more layer attributes corresponding to each layer"* as claimed by Applicants and, therefore, is allowable for at least the reasons given above. Claim 12 is an information handling system claim including the same limitations as set forth in claim 3, so the rejection to claim 12 is traversed for the same reasons as claim 3. Claim 15 is a computer program product claim including the same limitations as set forth in claim 3, so the rejection to claim 15 is traversed for the same reasons as claim 3.

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Notwithstanding that fact, that claim 4 is dependent upon amended claim 1 and is therefore allowable for at least the same reasons as claim 1, claim 4 is also allowable as this claim is not obvious in light of Paterson in view of Sawada. Claim 4 further limits claim 1 by claiming the additional limitations of:

> creating the objects;
>
> setting one or more object attributes corresponding to each object; and
>
> storing the object and the object attributes in a data store.

Claim 4's second element adds the limitation of *"setting one or more __object attributes__ corresponding to each object."* As discussed above, Applicants define object attributes such that *"object size and three dimensional display [are] used to distinguish between the objects"* (page 11, lines 28-30). Paterson uses parameters which quantify certain simulation characteristics whereby a user inputs values into a parameter setting section such that the settings section *"includes three values for the relevant parameter, namely a working value, a baseline value, and a comparison value"* (col 5, lines 54-56).

However, the Office Action rejects Applicants' claim 4 by misconstruing Paterson's teachings in stating that *"Paterson teaches in (col. 5, lines 54-57) the settings section includes three values for the relevant parameter, namely a working value, a baseline value, and a comparison value"* (page 5, lines 12-14). As discussed above, Paterson uses the terms "parameters" and "objects" differently, and, therefore, Final Office Action incorrectly and improperly interchanges their definitions in order to reject Applicants' claim 4.

Sawada does not teach or suggest, *"setting one or more object attributes corresponding to each object"* nor does the Office Action or the Final Office Action suggest that Sawada teach this limitation. Therefore, Applicants assert that neither Paterson nor Sawada, alone or in combination with one another, teach or suggest *"setting one or more object attributes corresponding to each object"* as claimed by Applicants and, therefore, Applicants' claim 4 is allowable for at least the reasons given above. Claim 16 is a computer program product claim including the same limitations as

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set forth in claim 4, so the rejection to claim 16 is traversed for the same reasons as claim 4.

Claims 5 through 8 are dependent upon claim 1 and therefore are allowable for at least the same reasons as claim 1 as described above. Claims 11 is a dependent claim of claim 9 and therefore are allowable for at least the same reasons as claim 9 is allowable. Claims 17 -20 are dependent claims of claim 13 and therefore are allowable for at least the same reasons as claim 13 is allowable.

CONCLUSION

As a result of the foregoing, it is asserted by Applicants that the previously amended claims in the Application are in condition for allowance, and Applicants respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner contact the Applicants' attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

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